

# **EXHIBIT 2**

**From:** Jonathan Jacobs  
**To:** [Rubman, Gary](#)  
**Cc:** [Dalton, Rebecca](#); [Schaufelberger, Thomas S.](#); [Platt, Henry A.](#); [Gill, Robert C.](#); [Flax, Sherry H.](#); [Matthew Antonelli](#); [Darling, Jeremy B.](#); [Duane Zobrist](#); [Jim Hodges](#); [Hibner-Spencer, Jennifer](#); [dluthey@gablelaw.com](mailto:dluthey@gablelaw.com); [VGTvCastleHill](#)  
**Subject:** Re: Confidentiality designations  
**Date:** Tuesday, November 20, 2018 12:08:11 PM

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Thanks, Gary. I've tried to give you a small enough set of material that it shouldn't take too long. I notice you didn't tell me when I can expect your updated designations. How about we benchmark Monday to make sure we don't lose sight of this issue?

And I thought I did respond to your question. You asked why I'm challenging these, and not other designations. I responded that the others will come soon. But, of course, the "why" of our process does not matter under the protective order. The sole issue is the propriety of these particular designations. We can discuss the other designations when they are challenged.

Thanks,

Jonny

On Nov 20, 2018, at 11:37 AM, Rubman, Gary <[grubman@cov.com](mailto:grubman@cov.com)> wrote:

Jonny,

Given the recent briefing deadlines and the upcoming holidays (as well as the need to confer with our client), we will not be in a position to send the revised designations to you by tomorrow. We will, however, send them as soon as they are ready.

Can you please respond to the question I asked in my email?

Best regards,

- Gary

## **Gary Rubman**

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**From:** Jonathan Jacobs <[jjacobs@zoblaw.com](mailto:jjacobs@zoblaw.com)>  
**Sent:** Tuesday, November 20, 2018 11:32 AM  
**To:** Rubman, Gary <[grubman@cov.com](mailto:grubman@cov.com)>  
**Cc:** Dalton, Rebecca <[RDalton@cov.com](mailto:RDalton@cov.com)>; Schaufelberger, Thomas S. <[tschauf@saul.com](mailto:tschauf@saul.com)>; Platt, Henry A. <[Henry.Platt@saul.com](mailto:Henry.Platt@saul.com)>; Gill, Robert C. <[Robert.Gill@saul.com](mailto:Robert.Gill@saul.com)>; Flax, Sherry H. <[Sherry.Flax@saul.com](mailto:Sherry.Flax@saul.com)>; Matthew Antonelli <[matt.antonelli@saul.com](mailto:matt.antonelli@saul.com)>; Darling, Jeremy B. <[Jeremy.Darling@saul.com](mailto:Jeremy.Darling@saul.com)>; Duane Zobrist <[dzobrist@zoblaw.com](mailto:dzobrist@zoblaw.com)>; Jim Hodges <[JHodges@HodgesLC.com](mailto:JHodges@HodgesLC.com)>; Hibner-Spencer, Jennifer <[Jennifer.Hibner-Spencer@saul.com](mailto:Jennifer.Hibner-Spencer@saul.com)>; [dluthey@gablelaw.com](mailto:dluthey@gablelaw.com); VGTvCastleHill <[VGTvCastleHill@cov.com](mailto:VGTvCastleHill@cov.com)>  
**Subject:** Re: Confidentiality designations

Thanks for your email, Gary. Can you please let me know when you will provide updated designations? Given that you started reviewing these designations to see if they should be changed more than a week ago, and considering it's a relatively small subset of the entirety of materials with designations, I suspect by sometime tomorrow?

And, not to worry, we are looking at all the other designations and will be in touch about those later. Let's get through this first set first.

Thanks,

Jonny

On Nov 20, 2018, at 11:22 AM, Rubman, Gary <[grubman@cov.com](mailto:grubman@cov.com)> wrote:

Jonny,

Thank you for the email. We are in the process of reviewing the transcripts and exhibits and will be providing updated designations. In the meantime, can you please explain why Castle Hill has chosen to raise concerns about the designations in the Williamson transcripts? As you know, there were a large number of depositions in this case, most or all of which were designated as Confidential or Highly Confidential (including many by Castle Hill). Given that Castle Hill does not object to the designations of any other VGT deposition transcript (and continues to designate most, if not all, of the CHG deposition transcripts as Highly Confidential), the purpose of this request is not clear to us.

Best regards,

- Gary

**Gary Rubman**

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**From:** Jonathan Jacobs <[jjacobs@zoblaw.com](mailto:jjacobs@zoblaw.com)>  
**Sent:** Monday, November 19, 2018 4:54 PM  
**To:** Rubman, Gary <[grubman@cov.com](mailto:grubman@cov.com)>  
**Cc:** Dalton, Rebecca <[RDalton@cov.com](mailto:RDalton@cov.com)>; Schaufelberger, Thomas S. <[tschauf@saul.com](mailto:tschauf@saul.com)>; Platt, Henry A. <[Henry.Platt@saul.com](mailto:Henry.Platt@saul.com)>; Gill, Robert C. <[Robert.Gill@saul.com](mailto:Robert.Gill@saul.com)>; Flax, Sherry H. <[Sherry.Flax@saul.com](mailto:Sherry.Flax@saul.com)>; Matthew Antonelli <[matt.antonelli@saul.com](mailto:matt.antonelli@saul.com)>; Darling, Jeremy B. <[Jeremy.Darling@saul.com](mailto:Jeremy.Darling@saul.com)>; Duane Zobrist <[dzobrist@zoblaw.com](mailto:dzobrist@zoblaw.com)>; Jim Hodges <[JHodges@HodgesLC.com](mailto:JHodges@HodgesLC.com)>; Hibner-Spencer, Jennifer <[Jennifer.Hibner-Spencer@saul.com](mailto:Jennifer.Hibner-Spencer@saul.com)>; [dluthey@gablelaw.com](mailto:dluthey@gablelaw.com); VGTvCastleHill <[VGTvCastleHill@cov.com](mailto:VGTvCastleHill@cov.com)>  
**Subject:** Re: Confidentiality designations

Hi Gary,

It's been a week. Please let me know what, if any, parts of these documents you'd like to de-designate.

Thanks,

Jonny

On Nov 12, 2018, at 10:59 PM, Jonathan Jacobs <[jjacobs@zoblaw.com](mailto:jjacobs@zoblaw.com)> wrote:

Thanks for the response, Gary. We are asking for the designations to be removed entirely, but we are open to discussion about this.

As to your latter request for more specificity, respectfully, I think this attempts to go about the process backwards. My understanding is that both transcripts and the exhibits thereto were designated highly

confidential in their entirety, yet a cursory review of these documents shows a lot of the info in them do not even arguably meet the standards required under the protective order. Since it is VGT's burden to meet the standards, I suggest you de-designate parts/all of the transcripts and documents first, and then we can work from a narrower set of info you believe should still be labeled highly confidential.

Thanks, and I look forward to hearing back.

-Jonny

On Nov 12, 2018, at 11:11 AM, Rubman, Gary <[grubman@cov.com](mailto:grubman@cov.com)> wrote:

Jonny,

We are responding to the email you sent on Friday evening regarding CHG's challenge to the "Highly Confidential" designations of the transcripts (in their entirety) of both of Mr. Williamson's depositions, as well as all exhibits used in both depositions. We are surprised by the breadth of your request and currently are reviewing the materials to determine whether any of the designations should be changed. In the meantime, so that we may more fully understand your request, we would appreciate it if you could clarify whether you are asking that the confidentiality designations be removed in their entirety or that the designations be lowered from "Highly Confidential" to "Confidential"? Also, can you please provide greater specificity as to which materials you are requesting be re-designated and to which level of confidentiality?

Best regards,

- Gary

**Gary Rubman**

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**From:** Jonathan Jacobs <[jjacobs@zoblaw.com](mailto:jjacobs@zoblaw.com)>  
**Sent:** Friday, November 09, 2018 5:18 PM  
**To:** Rubman, Gary <[grubman@cov.com](mailto:grubman@cov.com)>  
**Cc:** Dalton, Rebecca <[RDalton@cov.com](mailto:RDalton@cov.com)>;  
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**Subject:** Confidentiality designations

Counsel,

Pursuant to section 9 of the Stipulated Protection Order, Defendant challenges the “Highly Confidential” designation of the following materials:

1. The transcript of the June 14, 2018 deposition of Richard Williamson (the “June Deposition”);
2. All exhibits to the June Deposition;
3. The transcript of the October 2, 2018 deposition of Video Gaming Technologies by and through its designated representative Richard Williamson (the “October

Deposition"); and  
4. All exhibits to the October Deposition.

Are you available on Monday to discuss?

Thanks,

Jonny